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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/080,301

02/21/2002

Joseph R. Svacek

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02/23/2006

GORDON & REES LLP
101 WEST BROADWAY
SUITE 1600
SAN DIEGO, CA 92101

EXAMINER

HAN, CLEMENCE S

ART UNIT

PAPER NUMBER

2668

DATE MAILED: 02/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/080,301	SVACEK ET AL.	
	Examiner	Art Unit	
	Clemence Han	2668	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>02/21/2002</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claim 8 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. The claim 23, with the similar limitation, has "output lines" instead of "input lines" as claimed in the claim 8.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. Claim 2-15, 17-31 and 34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
4. Claim 2 recites the limitation "the slots" in line 4. There is insufficient antecedent basis for this limitation in the claim.
5. Claim 17 recites the limitation "the slots" in line 4. There is insufficient antecedent basis for this limitation in the claim.

6. Claim 31 recites the limitation "The device" in the first line. There is insufficient antecedent basis for this limitation in the claim.
7. Claim 34 recites the limitation "said slots" in the first line. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claim 1 and 2 are rejected under 35 U.S.C. 102(e) as being anticipated by Barkley et al. (US 6,389,493).

Regarding to claim 1, Barkley teaches an allocating device for dynamically allocating bandwidth, said allocating device comprising: a plurality of personality modules 116, each of said plurality of personality modules having an independent bandwidth requirement 130; an allocation module 119 connected to said plurality of personality modules by a plurality of transmission channels 134, said allocating module assigns incremental bandwidths to said plurality of personality modules (Column 6 Line 42-45) based upon the bandwidth requirement of said each of said

plurality of personality modules (Column 6 Line 39-41); and a microprocessor 121 connected to said allocation module 119 by a transmission line for programming said allocation module to assign an appropriate amount of bandwidth to said plurality of personality modules (Column 3 Line 65 – Column 4 Line 1).

Regarding to claim 2, Barkley teaches a controller 120 connected to said microprocessor 121 and said plurality of personality modules 116 by a data lines wherein said controller obtains information from personality modules contained in the slots to determine how much bandwidth to assign to each personality module for transmitting data on a personality module (Column 6 Line 39-41).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claim 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barkley et al..

Regarding to claim 3, Barkley teaches said plurality of personality modules is assigned incremental bandwidths with a fixed amount (Column 6 Line 45).

Barkley, however, does not teach exactly 27 Mb/s granularity. It would have been

obvious to one skilled in the art to modify Barkley to use 27 Mb/s granularity as a design choice.

Regarding to claim 4, Barkley teaches a multiplexer connected to said allocation device by a second data line (Column 3 Line 7-8).

Regarding to claim 5, Barkley teaches said multiplexer obtains a payload from said each of said plurality of personality modules and combines said payload for transmission over a single transmission channel (Column 3 Line 6-26).

12. Claim 6-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barkley et al. in view of Greaney et al. (Us 5,796,729).

Regarding to claim 6, Barkley teaches allocation module 119. Barkley, however, does not teach an interface circuit. Greaney teaches said interface circuit 68 comprises a set of input lines, a set of output lines and a set of dedicated bits (Column 7 Line 27-28) and wherein said interface circuit controls the direction of said payload that flows between said multiplexer and said plurality of personality modules and determines which of said output lines to transmit said payload on (Column 4 Line 48-53). It would have been obvious to one skilled in the art to modify Barkley to have the interface circuit as taught by Greaney in order to provide communication path between system entities (Column 4 Line 55-58).

Regarding to claim 7 and 8, Greaney teaches high speed backplane bus 68. Greaney, however, does not teach said set of input lines is exactly an 88 bit wide bus. It would have been obvious to one skilled in the art to modify Barkley in view of Greaney to use 88 bit wide bus as a design choice.

Regarding to claim 9, Greaney teaches said set of dedicated bits carries said payload to and from said plurality of personality modules (Column 7 Line 27-28).

Regarding to claim 10, Greaney teaches said payload is high quality uncompressed video (Column 1 Line 21-27).

Regarding to claim 11, Greaney teaches said payload is high quality uncompressed audio (Column 1 Line 21-27).

Regarding to claim 12, Greaney teaches said payload is modulated IF carrier (Column 1 Line 28-37).

Regarding to claim 13, Barkley teaches said plurality of personality modules 116 is selected from a group consisting of a transmit only module, a receive only module and a transceiver module (Column 3 Line 15-26).

Regarding to claim 14, Greaney teaches a front panel of said allocating device comprises a connector for connecting an external device 58 to said allocation device.

Regarding to claim 15, Greaney teaches said external device 58 is a monitor for displaying video data.

Regarding to claim 16, Barkley teaches a system for dynamically allocating bandwidth, said system comprising: each of said plurality of allocation devices comprising: a plurality of personality modules 116, each of said plurality of personality modules having an independent bandwidth requirement 130; an allocation module 119 connected to said plurality of personality modules by a plurality of transmission channels 134, said allocating module assigns incremental bandwidths to said plurality of personality modules (Column 6 Line 42-45) based upon the bandwidth requirement of said each of said plurality of personality modules (Column 6 Line 39-41); and a microprocessor 121 connected to said allocation module 119 by a transmission line for programming said allocation module to assign an appropriate amount of bandwidth to said plurality of personality modules (Column 3 Line 65 – Column 4 Line 1). Barkley, however, does not teach a plurality of allocation devices connected together by a plurality of transmission lines. Greaney teaches a plurality of allocation devices connected together by a plurality of transmission lines (Figure 7). It would have been obvious to one skilled in the art to modify Barkley to have a plurality of allocation

devices connected together by a plurality of transmission lines as taught by Greaney in order to meet growing system capacity (Column 9 Line 5-8)

Regarding to claim 17, Barkley teaches a controller 120 connected to said microprocessor 121 and said plurality of personality modules 116 by a data line, wherein said controller obtains information from personality modules contained in the slots to determine how much bandwidth to assign to each personality module for transmitting data on a personality module (Column 6 Line 39-41).

Regarding to claim 18, Barkley teaches said plurality of personality modules is assigned incremental bandwidths with a fixed amount (Column 6 Line 45). Barkley, however, does not teach exactly 27 Mb/s granularity. It would have been obvious to one skilled in the art to modify Barkley to use 27 Mb/s granularity as a design choice.

Regarding to claim 19, Barkley teaches said each of said plurality of allocation devices further comprises a multiplexer connected to said allocation device by a second data line.

Regarding to claim 20, Barkley teaches said multiplexer obtains a payload from said each of said plurality of personality modules and combines said payload for transmission over a single transmission channel (Column 3 Line 6-26).

Regarding to claim 21, Greaney teaches said interface circuit 68 comprises a set of input lines, a set of output lines and a set of dedicated bits and wherein said interface circuit controls the direction of said payload that flows between said multiplexer and said plurality of personality modules and determines which of said output lines to transmit said payload on (Column 4 Line 48-53).

Regarding to claim 22, Greaney teaches high speed backplane bus 68. Greaney, however, does not teach said set of input lines is exactly an 88 bit wide bus. It would have been obvious to one skilled in the art to modify Barkley in view of Greaney to use 88 bit wide bus as a design choice.

Regarding to claim 23, Greaney teaches high speed backplane bus 68. Greaney, however, does not teach said set of output lines is exactly an 88 bit wide bus. It would have been obvious to one skilled in the art to modify Barkley in view of Greaney to use 88 bit wide bus as a design choice.

Regarding to claim 24, Greaney teaches said set of dedicated bits carries said payload to and from said plurality of personality modules (Column 7 Line 27-28).

Regarding to claim 25, Greaney teaches said payload is high quality uncompressed video (Column 1 Line 21-27).

Regarding to claim 26, Greaney teaches said payload is high quality uncompressed audio (Column 1 Line 21-27).

Regarding to claim 27, Greaney teaches said payload is modulated IF carrier (Column 1 Line 28-37).

Regarding to claim 28, Barkley teaches said plurality of personality modules 116 is selected from a group consisting of a transmit only module, a receive only module and a transceiver module (Column 3 Line 15-26).

Regarding to claim 29, Greaney teaches a front panel of said allocating device comprises a connector for connecting an external device 58 to said allocation device.

Regarding to claim 30, Greaney teaches said external device 58 is a monitor for displaying video data.

Regarding to claim 31, Greaney teaches said plurality of allocation devices are connected together in a daisy chain configuration (Figure 7).

Regarding to claim 32, Barkley teaches a method for dynamically allocating bandwidth, said method comprising the steps of: entering payload where it is received by a personality module 116; checking the system to verify the existence of said payload 406; requesting bandwidth to transmit the payload from an allocation module which allocates only the bandwidth that is needed for transmission 408; and assigning said payload to bandwidth for transmission and saving the bandwidth related bits into a database 414. Barkley, however, does not

teach entering payload into a graphical user interface of a system. Greaney teaches entering payload into a graphical user interface 58 of a system. It would have been obvious to one skilled in the art to modify Barkley to use a graphical user interface as taught by Greaney in order to be more user friendly (Column 4 Line 36-38).

Regarding to claim 33, Barkley teaches said database 128 is continually updated and keeps track 504.

Regarding to claim 34, Barkley teaches said plurality of personality modules is assigned incremental bandwidths with a fixed amount (Column 6 Line 45). Barkley, however, does not teach exactly 27 Mb/s granularity. It would have been obvious to one skilled in the art to modify Barkley to use 27 Mb/s granularity as a design choice.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of the art with respect to the invention in general.

U.S. Patent 4,763,321 to Calvignac et al.

U.S. Patent 5,594,727 to Kolbenson et al.

U.S. Patent 5,838,681 to Bonomi et al.

U.S. Patent 6,307,839 to Gerszberg et al.

U.S. Patent 6,728,238 to Long et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clemence Han whose telephone number is (571) 272-3158. The examiner can normally be reached on Monday-Thursday 7 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chieh Fan can be reached on (571) 272-3042. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

C. H.

Clemence Han
Examiner
Art Unit 2668



STEVEN NGUYEN
PRIMARY EXAMINER